

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE MATTER OF

DONNA POLK,

DEBTOR

IN PROCEEDINGS

UNDER CHAPTER 13

CASE NO. 22-14004

JUDGE: Jacqueline P. Cox

NOTICE OF MOTION

Notified via Electronic Filing

U.S. Trustee, 219 S Dearborn St, Room 873, Chicago, IL 60604

Thomas H. Hooper, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603

David Freydin, 8707 Skokie Blvd., Suite 305, Skokie, IL 60077

Notified via US Postal Service

Donna Polk, 1849 N. Newland Ave, Elmwood Park, IL 60707

Samara M Plummer, 1849 N. Newland Ave, Elmwood Park, IL 60707

PLEASE TAKE NOTICE that on June 12th, 2023, at 9:00 AM I will appear before the Honorable Jacqueline P. Cox, or any judge sitting in that judge's place, either in courtroom 680 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604 or electronically as described below, and present the motion of Motion For Relief From The Automatic Stay and From the Co-Debtor Stay Or In The Alternative Dismissal Of The Case a copy of which is attached.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government (audio only).

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 273 2896, and the passcode is 778135. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he/she caused a true and correct copy of the above and foregoing document to be served upon the following on 6/1/2023:

Respectfully Submitted,

/s/ Michael N. Burke

Richard B. Aronow 3123969
Michael N. Burke 6291435
Michael Kalkowski 6185654
Amy A. Aronson 6206512
LOGS Legal Group LLP
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Attorneys for Movant
22-097866

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The firm of LOGS Legal Group LLP is a debt collector. This is an attempt to collect a debt. Any information may be used for that purpose. If your personal liability for this debt has been extinguished, discharged in bankruptcy or if a court order prohibits collecting this debt from you personally, then this is an attempt to enforce the Movant's rights with respect to the property addressed herein, and it is not an attempt to collect the debt from you personally.

**IN THE UNITED STATES BANKRUPTCY COURT
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**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND FROM THE CO-DEBTOR
STAY OR IN THE ALTERNATIVE DISMISSAL OF THE CASE**

NOW COMES the Movant, MidFirst Bank, by and through its attorneys, LOGS Legal Group LLP, and states as follows:

1. On December 4, 2022, the above-named Debtor filed a Petition pursuant to 11 USC § 1301, et. seq. and an Amended Plan on March 1, 2023 which was confirmed on March 6, 2023.
2. The Movant holds a note (or services a loan) that is secured by a mortgage on the property commonly known as: 1849 N. Newland Ave, Elmwood Park, IL 60707.
3. A material term of the plan called for the Debtor to make post-petition monthly mortgage payments directly to the Movant commencing with the installment that came due on January 1, 2023.
4. Notwithstanding said material term, said post-petition mortgage payments are in default in the amount of \$6,499.53 as of May 23, 2023:

3/1/2023 - 3/1/2023 monthly payments at \$1,841.47 each	= \$	1,841.47
4/1/2023 - 5/1/2023 monthly payments at \$1,710.03 each	= \$	3,420.06
Bankruptcy MFR court cost	= \$	188.00
Bankruptcy Attorneys' fees	= \$	1,050.00
TOTAL	= \$	6,499.53

5. This failure constitutes a material default entitling Movant to relief pursuant to 11 U.S.C. §362(d).
6. Pursuant to 11 U.S.C. §1301, co-debtor(s) Samara M Plummer is protected by the co-debtor stay as to the subject real estate, and if the stay is modified as to the Debtor, the co-debtor stay should be modified in accordance with 11 U.S.C. §1301(c)(3) as to Movant.
7. By failing to make current mortgage payments, the Debtor had failed to provide the Movant with adequate protection for its security, contrary to the requirements of the Bankruptcy Code.
8. The Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
9. For the reasons set forth above, it would be inequitable to delay the enforcement of any order modifying the automatic stay with respect to the Movant.

WHEREFORE, MidFirst Bank, moves this Honorable Court to permit MidFirst Bank to exercise its *in rem* rights under non-bankruptcy law in the property located at: 1849 N. Newland Ave, Elmwood Park, IL 60707, that the unpaid portion of any proof of claim or stipulation calling for payment of the debt secured by that mortgage be withdrawn for purposes of these proceedings only, and that Federal Bankruptcy Rule 4001(a)(3) be waived; or, to dismiss the case.

Respectfully submitted,

/s/ Michael N. Burke

Attorney for MidFirst Bank

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